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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,888	03/30/2004	Cathleen Siok-Syuan Chua	CCH-001	7574

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SUNOL, CA 94586

EXAMINER

VANTERPOOL, LESTER L

ART UNIT	PAPER NUMBER
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3782

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/814,888

Applicant(s)

CHUA, CATHLEEN SIOK-SYUAN

Examiner

Lester L. Vanterpool

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15 and 17-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-24 is/are allowed.
- 6) ☒ Claim(s) 1-13, 15, 17-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The after final amendment filed on January 29, 2007 has been considered and has been entered in view of new ground of rejection set forth below. Therefore, this action is being made non-final.

Claim Rejections - 35 USC § 112

Examiner notes applicant is evoking 35 U.S.C. 112, 6th paragraph in claim 10, line 3 by reciting: means for adjusting.

Examiner notes applicant is evoking 35 U.S.C. 112, 6th paragraph in claim 18, line 16 by reciting: means for adjustably constricting.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 17, 9, 10, 14, 18, 5 & 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey (U.S. Patent Number 6817033 B2). Bailey discloses the

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pouch (See Figures 1 & 2) that contains at least a portion of the legs of the baby (See Figures 1, 2 4 & 5); the first arm extension portion (80) that extends from the pouch portion (See Figures 1 & 2), and the second arm extension portion (82) that extends from the pouch portion (See Figures 1 & 2).

However, Bailey does not disclose extension arms that wrap around at least the portion of the front-worn baby carrier such that the first arm extension portion passes between the person and the portion of the front-worn baby carrier; and extends between the front-worn baby carrier and the person, such that the second arm extension portion passes between the person and at least a portion of the front-worn baby carrier, the first arm extension portion and the second arm extension portion crossing over one another at a location between the person and the front-worn baby carrier, and wherein the first and second arm extension portions are detachably connected on the other side of the front-worn baby carrier with respect to the person.

The initial statement of intended use and all other functional implications have been carefully considered but are deemed not to impose any patentably distinguishing structure over that disclosed by Bailey (U.S. Patent Number 6817033 B2) which is capable of being used in the intended manner, wherein, the first (80) and second (82) extension arms of Bailey are capable of wrapping around at least a portion of the front-worn baby carrier such that the first arm extension portion passes between the person and the portion of the front-worn baby carrier; and extends between the front-worn baby carrier and the person, such that the second arm extension portion passes between the person and at least a portion of the front-worn baby carrier, the first arm extension

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portion and the second arm extension portion crossing over one another at a location between the person and the front-worn baby carrier, and wherein the first and second arm extension portions are detachably connected on the other side of the front-worn baby carrier with respect to the person. (See M.P.E.P. 2111).

Regarding claim 9, Bailey discloses the drawstring usable to constrict the opening (See Column 4, lines 41 – 42).

Regarding claim 10, Bailey further discloses the means (28 & 30) to adjust the depth of the pouch portion (50) (See Column 3, lines 55 – 62) (See Figures 1 – 3).

Regarding claim 14, Bailey discloses an opening of the pouch portion (50) has an adjustable circumference (See Column 4, lines 39 – 42), and wherein the pouch portion (50) has an adjustable depth (See Column 3, lines 55 – 62) (See Figures 1 – 3).

Regarding claim 18, Bailey discloses the baby blanket (10) (See Figure 1) having a back portion (12) that extends upward from the pouch portion (50) and that terminates in a hood (110) (See Column 3, lines 30 – 40) (See Column 5, lines 9 – 15), the hood (110) facing inward toward the person when the hood (110) is covering the head of the baby (See Figures 1, 2 & 4), and wherein the pouch portion (50) has an opening into which the legs of the baby extends (52 & 54) (See Figures 1, 2, 4 & 5), the baby blanket

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(10) further comprising means (See Column 4, lines 41 – 42) for adjustably constricting the opening around the baby.

Regarding claim 5, Bailey discloses the back portion (12) and the pouch portion (50) are formed from a single piece of fabric (See Column 3, lines 30 – 40) (See Figures 1 & 2).

Regarding claim 6, Bailey discloses the back portion (12), the first arm extension portion (80) and the second arm extension portion (82) are formed from a single piece of fabric (See Column 4, lines 51 – 54) (See Figures 1 & 2).

Regarding claim 16, Bailey discloses the back portion extends upward from the pouch portion a distance of at least six inches.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey (U.S. Patent Number 6817033 B2) in view of Gatten (U.S. Patent Publication Number 2004 / 0019969 A1).

Bailey discloses the first arm extension (80) and the second arm extension (82) (See Figures 1 & 2).

However, Bailey does not disclose the first arm extension portion having the substantially triangular shape, and wherein the second arm extension portion having the substantially triangular shape.

Gatten teaches the first arm extension portion (130) having the substantially triangular shape, and wherein the second arm extension portion (135) having the substantially triangular shape (See Figure 1) for the purpose of providing adequate wrapping functionality.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the first arm extension portion having the substantially triangular shape, and wherein the second arm extension portion having the substantially triangular shape as taught by Gatten with the baby blanket of Bailey in order to enhance adequate wrapping functionality.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey (U.S. Patent Number 6817033 B2) in view of Wooten et al., (U.S. Patent Number 5735004) and Stacy (U.S. Patent Number 5740566).

Bailey discloses the baby blanket (10) (See Figures 1 & 2) is made of any suitable material that protects the baby from the elements (See Column 5, lines 40 – 51).

As evidence of any suitable material, Wooten et al., teaches the blanket (20) is made of weatherproof fabric (See Abstract and See Column 1, line 34 – 39) (See Figures 6, 11 & 12) for the purpose of providing protection.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the blanket made of weatherproof fabric as taught by

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Wooten et al., with the baby blanket of Bailey in order to enhance protection from weather elements.

However, Bailey does not disclose the blanket is made with the fleece lining.

Furthermore, Stacy teaches the blanket (10) is made with the fleece lining (See line 40 – 43) for the purpose of providing additional warmth and outdoor environmental protection.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the blanket made with the fleece lining as taught by Stacy with the baby blanket of Bailey in order to enhance additional warmth protection.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey (U.S. Patent Number 6817033) in view of Ruefer (U.S. Patent Number 5722094).

However, Bailey does not disclose the means including the first portion and the second portion, wherein the first portion is detachably connectable to the second portion, the first portion extending from an inside bottom surface of the pouch portion.

Ruefer teaches the means (46 & 48) include the first portion (48) and the second portion (46), wherein the first portion (48) is detachably connectable to the second portion (46), the first portion (48) extending from an inside bottom surface of the pouch portion (See Figures 1, 2, 5 & 6).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the means including the first portion and the second portion, wherein the first portion is detachably connectable to the second portion, the

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first portion extending from an inside bottom surface of the pouch portion as taught by Ruefer with the baby blanket of Bailey in order to accommodate various infants at different growth stages.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey (U.S. Patent Number 6817033 B2) in view of Elliott (U.S. Patent Number 5457829).

However, Bailey does not disclose the pocket disposed on the back portion.

Elliott teaches the pocket (16) disposed on the back portion (See Figure 1) for the purpose of storage when not in use.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the pocket disposed on the back portion as taught by Elliott with the baby blanket of Bailey in order to enhance storage when not in use.

Allowable Subject Matter

8. Claims 19 – 24 are allowed.

Response to Arguments

9. The indicated allowability of claim 17 & 18 is withdrawn in view of the newly discovered reference(s) to Bailey (U.S. Patent Number 6817033 B2). Rejections based on the newly cited reference(s) follow.

10. Applicant's arguments with respect to claims 5 – 11, 14 - 18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Magnusen et al., (U.S. Patent Number 5129406) teaches tying and detachably coupling the first arm extension and the second arm extension together (See Column 3, lines 28 – 31) (See Figure 6);

Sachiyo (Japan Publication Number 09-094136) teaches a pouch having a hood, first and second extension members and leg extensions, made from one single fabric in combination with a front worn carrier (See Figures 3 & 9).

Merlet (European Patent Applicant Number GB 2084861 A) teaches a front worn baby carrier with an infant wrapped in a baby blanket, wherein the baby blanket having a hood (See Figure 10).

Junichi (Japan Publication Number 2004 – 003084) teaches an infant enclosed in a hooded pouch baby blanket in combination with a front worn baby carrier.

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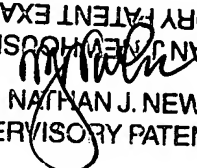
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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